

Act or the date of cancellation proceedings authorized hereby; etc.; and declaring an emergency."

The bill was read the second time.

Question—Shall H. B. No. 145 be passed to third reading?

Message from the Governor

The following message received from the Governor today was read and was referred to the Committee on Nominations:

To the Senate of the Fifty-fifth Legislature:

I appreciate the unanimous action of the Senate on February 25 consenting to my request for withdrawal of certain appointments to the Board of Regents of the University of Texas and the Board of Directors of A. and M. College. As stated in my message requesting withdrawal of these nominations, the purpose was to preserve the precedent heretofore established and approved by an Attorney General's opinion that the "duty or privilege of appointment, in this instance, is that of the incoming administration."

As stated further in my message, the nominees under consideration are capable and qualified persons. I added:

"Some of them had been recommended to me, and I would have appointed them myself. I will no doubt resubmit some if not all of them for your consideration. Unless and until this is done, there is and will remain a question as to the legality of their appointments."

Thus, I attempted to make it clear that I was concerned with the principle and policy involved rather than with any person or political objection to the nominees. As further evidence of this fact, I have given careful consideration to the qualifications of each of these parties and hereby ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Board of Regents, The University of Texas, for six-year terms:

J. P. Bryan of Freeport, Brazoria County,
Thornton Hardie of El Paso, El Paso County,
Joe C. Thompson of Dallas, Dallas County;

To be members of the Board of Directors, Agricultural and Mechanical College of Texas, for six-year terms:

Eugene B. Darby of Pharr, Hidalgo County,

Herman Heep of Buda, Hays County, and Austin, Travis County,

L. H. Ridout, Jr., of Dallas, Dallas County, (reappointment).

I further suggest for your consideration legislation fixing definite dates for the beginning and ending of the terms of these nominees and all other members of these Boards in order that the question will not arise again as to the right and duty of appointment by the incoming governor.

Respectfully submitted,
PRICE DANIEL,
Governor of Texas.

House Bills on First Reading

The following bills received from the House were read first time and referred to the committees indicated:

H. B. No. 130, To the Committee on Counties, Cities and Towns.

H. B. No. 265, To the Committee on State Affairs.

H. C. R. No. 14, To the Committee on State Affairs.

SPECIAL NOTICE

The President announced that Senator Hazlewood would on tomorrow call up for consideration H. B. No. 4.

Recess

On motion of Senator Hardeman the Senate at 11:55 o'clock a.m. took recess until 10:30 o'clock a.m. tomorrow.

TWENTY-NINTH DAY

(Continued)

(Wednesday, February 27, 1957)

After Recess

The Senate met at 10:30 o'clock a.m. and was called to order by the President.

House Bill 145 on Second Reading

The President laid before the Senate as pending business on its second reading and passage to third reading H. B. No. 145 (the bill having been

read the second time on yesterday, February 26, 1957).

Question—Shall H. B. No. 145 be passed to third reading?

Senator Owen offered the following amendment to the bill:

Amend House Bill No. 145 by striking the last paragraph of Sub-section 3 of Section 1 and inserting in lieu thereof the following:

"Appeals from any Board order revoking, forfeiting or cancelling all or part of any permit or certified filing may be as is provided by Chapter 357, General Laws, Regular Session, Fifty-third Legislature, 1953, codified as Article 7477, Vernon's Civil Statutes of Texas, and the hearing on such appeal shall be as though the jurisdiction of the district court were original jurisdiction."

The amendment was adopted.

Senator Herring offered the following amendment to the bill:

Amend House Bill No. 145 by striking out lines 42 through 52 on page 3 thereof and substituting the following:

"Where the holder of a certified filing or permit has facilities for the storage of water in a reservoir, the Board shall allow such holder to retain a water appropriation to the extent of the conservation storage capacity of such reservoir owned by such holder of the certified filing or permit. Notwithstanding any of the other provisions of this Act to the contrary, no portion of a certified filing or permit held by a city, town or village or municipal water district, outstanding on the effective date of this Act, authorizing the use of water for municipal purposes, shall be cancelled when such water, or any part thereof, has been put to some beneficial use under such certified filing or permit for municipal purposes at any time during the ten-year period prior to the cancellation proceedings herein authorized."

The amendment failed of adoption by the following vote:

Yeas—12

Ashley	Moore
Gonzalez	Owen
Herring	Ratliff
Kazen	Roberts
Lane	Secrest

Weinert Willis

Nays—18

Aikin	Lock
Bracewell	Martin
Bradshaw	Moffett
Colson	Parkhouse
Fly	Phillips
Hardeman	Reagan
Hazlewood	Rogers
Hudson	Smith
Krueger	Wood

Absent—Excused

Fuller

Senator Roberts offered the following amendment to the bill:

Amend H. B. No. 145 by adding after the comma on page 3 line 49 the following words "municipal water district,"

The amendment was adopted.

On motion of Senator Owen and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 145 on Third Reading

Senator Owen moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 145 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Bradshaw	Parkhouse
Fly	Phillips
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Lock	Wood
Martin	

Nays—2

Colson	Herring
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Absent

Ratliff

Absent—Excused

Fuller

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Herring asked to be recorded as voting "Nay" on the final passage of H. B. No. 145

Message from the House

Hall of the House of Representatives,
Austin, Texas,
February 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. J. R. No. 4, A joint resolution "Proposing an amendment to Article III of the Constitution of Texas by adding a new section to be known as Section 28a, requiring the Legislature to apportion the State into congressional districts at its first regular session after the publication of each United States decennial census, and providing for a Board to make such apportionments in the event the Legislature fails to do so."

H. B. No. 230, A bill to be entitled "An Act amending the Revised Civil Statutes of Texas, by adding thereto a new Article to be numbered Article 6701½ providing for the issuance of permits by the State Highway Department for the movement of over-length and over-width mobile homes and/or component parts thereof over the highways of Texas; providing a method of issuing such permits; providing a bond; providing a fee; and declaring an emergency."

H. B. No. 285, A bill to be entitled "An Act amending Section 13 of Chapter 35, Acts of the 53rd Legislature, First Called Session, 1954, relating to the Green Belt Municipal and Industrial Water Authority so as to provide for the exclusion of member cities under certain conditions;

providing for the annexation of such territory to the Authority; making other provisions relating to the operation of the Green Belt Municipal and Industrial Water Authority; providing a severability clause, and declaring an emergency."

H. B. No. 294, A bill to be entitled "An Act to amend Section 3 of Chapter 528, Acts of the 54th Legislature, 1955, by providing a method for adopting the provisions of the law; providing the provisions shall be cumulative; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 166

Senator Aikin by unanimous consent offered the following resolution:

Whereas Honorable Wallace Hughton, of McKinney, former Member of the Senate, and one of the outstanding citizens of this State is a visitor at the Capitol today; and

Whereas, The Senate is desirous of extending him a hearty welcome, now therefore, be it

Resolved, That he be extended the privileges of the floor for today.

AIKIN
MOFFETT
ROBERTS

The resolution was read and was adopted.

Motion to Place H. B. No. 4 on Second Reading

Senator Hazlewood moved to suspend the regular order of business and take up H. B. No. 4 for consideration at this time. (The bill having been submitted as an emergency on February 7, 1957, by Governor Price Daniel.)

The motion failed of adoption by the following vote (not receiving two-thirds vote of the Members present):

Yeas—17

Aikin	Moffett
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Gonzalez	Reagan
Hazlewood	Roberts
Kazen	Rogers
Lock	Secrest
Martin	

Nays—12

Bradshaw	Lane
Fly	Moore
Hardeman	Smith
Herring	Weinert
Hudson	Willis
Krueger	Wood

Absent

Ratliff

Absent—Excused

Fuller

Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

S. C. R. No. 32, Inviting the Members of the 55th Texas Legislature to participate in the observance of the 121st anniversary of the signing of the Texas Declaration of Independence.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
February 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 230, A bill to be entitled "An Act authorizing the issuance of refunding bonds by school districts and containing provisions relating to such bonds; validating all refunding bonds heretofore issued by school districts and approved by the Attorney General of Texas; providing that all bonds issued by school districts, after they have been approved by Attorney General and registered by Comptroller of Public Accounts, shall be incontestable except for forgery or fraud; and declaring an emergency."

With amendment.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

Executive Session

On motion of Senator Lock and by unanimous consent, the Senate agreed to hold an executive session at 11:30 o'clock a.m. today.

Accordingly, the President directed all those not entitled to attend the executive session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be members of the Board of Directors, Agricultural and Mechanical College of Texas, for six-year terms to expire January 10, 1963: Eugene B. Darby of Pharr, Hidalgo County; Herman Heep of Buda, Hays County and Austin, Travis County; L. H. Ridout, Jr., of Dallas, Dallas County (reappointment).

To be members of the Board of Regents, the University of Texas, for six-year terms to expire January 10, 1963: Joe C. Thompson of Dallas, Dallas County; Thornton Hardie of El Paso, El Paso County; J. P. Bryan of Freeport, Brazoria County.

In Legislative Session

The President called the Senate to order as in Legislative Session at 11:43 o'clock a.m.

Senate Resolution 167

Senator Herring by unanimous consent offered the following resolution:

Whereas, We are honored today to have in the gallery a group of airmen from Bergstrom Air Force Base accompanied by Mr. Edward Puls, the Education Officer of the Base; and

Whereas, These fine young men are on an educational tour of the Capitol Building and the Capital City; and

Whereas, These fine American citizens are here to observe and learn first-hand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this group and commend them for their interest, and that a copy of this resolution, properly indorsed, bearing the official seal of the Senate, be mailed to their group in recognition of their visit.

The resolution was read and was adopted.

Senate Resolution 168

Senator Phillips by unanimous consent offered the following resolution:

Whereas, We are honored today to have in the gallery the Social Studies Department of the Booker T. Washington School of Texas City accompanied by Principal Calvin Vincent; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, These fine young American citizens are here to observe and learn first-hand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly indorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

House Bills and Resolutions on First Reading

The following bills and resolution received from the House, were read the first time and referred to the committees indicated:

H. J. R. No. 4, to Committee on Constitutional Amendments.

H. B. No. 285, to Committee on Water and Conservation.

H. B. No. 294, to Committee on State Affairs.

H. B. No. 230, to Committee on Transportation.

Senate Bills and Resolution on First Reading

The following bills and resolution were introduced by unanimous consent, read first time and referred to the committee indicated:

By Senator Fly:

S. B. No. 295, A bill to be entitled "An Act creating the 121st Judicial District, composed of the counties of Aransas, San Patricio, Bee, Live Oak and McMullen to be known as the 121st District Court, providing for the appointment and election of the Judge of the 121st District Court; providing for the organization of the Court and regulating the practices therein; providing for the appointment of an official shorthand report-

er; providing for other officials of the Court; prescribing the powers, the duties and compensation of the Judge of the 121st said court; prescribing the qualifications, duties, powers and compensation of other officials of the Court; providing for the transfer of certain cases before the 36th and 121st District Courts and for the exchange of benches; providing for the manner of selecting jurors; providing for the transfer of cases pending on the docket of the 135th District Court in San Patricio County to the 121st District Court and for the transfer of all odd numbered civil cases pending on the dockets of the 36th Judicial District Court in the remaining counties of said 36th Judicial District to the Dockets of the 121st Judicial District in the respective counties; providing that all even numbered cases shall be filed and placed on the dockets of the 36th Judicial District Court and all odd numbered cases on the dockets of the 121st Judicial District Court of the respective counties; providing for the return of all processes to the 121st District Court; making other provisions relating to the 36th and 121st District Courts; providing a repealing clause; providing a severability clause and declaring an emergency."

To the Committee on Legislative, Congressional and Judicial Districts.

By Senator Rogers:

S. B. No. 296, A bill to be entitled "An Act providing for the creation of public cemetery districts; providing for the procedure for the creation of cemetery districts and for the election of officers and their duties; and defining the powers of the cemetery districts, including the power of the districts for taxation purposes."

To the Committee on State Affairs.

By Senator Herring:

S. B. No. 297, A bill to be entitled "An Act amending Articles 1050 and 1051 of the Code of Criminal Procedure of 1925 to provide for payment, in connection with criminal cases in which a change of venue is ordered, by the transferring county to the receiving county, of other expenses in addition to pay for jurors, upon proper certification; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Weinert:

S. B. No. 298, A bill to be entitled

"An Act conferring concurrent jurisdiction in the County Court of Gonzales County with the Justice Courts of Gonzales County conforming the jurisdiction of said Courts providing for appeals from the County Court; making other provisions relating to the jurisdiction of said Courts; providing a severability clause and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Weinert:

S. B. No. 299, A bill to be entitled "An Act diminishing the jurisdiction of the County Court of Gonzales County; transferring jurisdiction of matters of eminent domain from the County Court of Gonzales County to the Special 25th Judicial District Court of Gonzales County and the 25th Judicial District Court of Gonzales County; conforming the jurisdiction of the district and county courts of Gonzales County; making other provisions relating thereto; providing a severability clause and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Smith:

S. B. No. 300, A bill to be entitled "An Act providing Workmen's Compensation Insurance for certain employees of the institution and agency under the direction or government of the Board of Directors of Texas Technological College; authorizing the said institution and agency to be self-insuring; providing that the institution and agency shall administer this Act; prescribing the powers and duties of the Industrial Accident Board and of the institution and agency, adopting by reference certain Legislative Acts relating to Workmen's Compensation Insurance; providing the Industrial Accident Board and the institution and agency may require the examination of applicants for compensation; providing for time of filing notice of injury and of claim for compensation; providing for appeals from rulings of the Industrial Accident Board; providing that the institution and agency shall keep permanent records and make reports to the Industrial Accident Board of injuries sustained by employees; providing for physical examination of employees and persons to be employed; providing funds for the payment of all costs, administrative expense, charges, benefits, and awards

authorized by this law; providing for reports to the Governor and to the Legislature; prescribing duties of clerks of courts in compensation cases under this law; prescribing penalty for failure to perform such duties; declaring the provisions of this Act to be severable; suspending all laws or parts of laws in conflict herewith to the extent of such conflict; and declaring an emergency."

To the Committee on State Affairs.

By Senator Owen:

S. B. No. 301, A bill to be entitled "An Act validating, ratifying, confirming and approving contracts, scrip warrants and time warrants and refunding bonds authorized by counties or cities (including Home-Rule cities) or towns since the approval by the Governor of Texas of Chapter 164, Acts of the 52nd Legislature, Regular Session, 1951; validating, ratifying, confirming and approving time warrants and refunding bonds issued for the purpose of refunding time warrants and all proceedings, Governmental Acts, orders, ordinances, resolutions and other instruments relating to the issuance of time warrants and refunding bonds for such purposes, of counties, cities (including Home-Rule cities and towns); providing that this Act shall not apply to any contract, scrip warrant or time warrant or to any refunding bond proceedings, Governmental Acts, orders, resolutions or other instruments, or bonds executed or issued by any county with a population in excess of four hundred thousand (400,000) according to the last preceding Federal Census, or any contract, scrip warrant or time warrant or any refunding bond proceedings, Governmental Acts, orders, ordinances, resolutions or other instruments, or bonds the validity of which is now involved in litigation; providing a saving clause; and declaring an emergency."

To the Committee on State Affairs.

By Senators Smith and Bracewell:

S. J. R. No. 16, Proposing an amendment to the Constitution of the State of Texas providing that a home rule city may provide by Charter Provision and a general law city operating under the general laws may provide by majority vote of the qualified voters voting at an election called for that purpose, for a longer term of office than two (2) years for its officers,

both elective and appointive, but not to exceed four (4) years; provided, however, that tenure under Civil Service shall not be affected hereby; providing for an election, a form of ballot and the issuance of a proclamation therefor.

To the Committee on Constitutional Amendments.

Designation of Member to Read Declaration of Independence

Pursuant to the provisions of Senate Resolution 92 previously adopted by the Senate, the President designated Senator Krueger to read the Declaration of Independence on February 28, 1957, in observance of Texas Independence Day.

Reports of Standing Committees

Senator Owen by unanimous consent submitted the following report:

Austin, Texas,
February 26, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 290, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

OWEN, Chairman.

Senator Bracewell, by unanimous consent, submitted the following report:

Austin, Texas,
February 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred Senate Bill No. 203, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BRACEWELL, Chairman.

Special Notice

Senator Willis gave notice that he would on tomorrow move to suspend the necessary rules to take up for consideration H. B. No. 134.

Adjournment

On motion of Senator Hardeman

the Senate at 11:50 o'clock a.m. adjourned until 10:30 o'clock tomorrow.

THIRTIETH DAY

(Thursday, February 28, 1957)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by Senator Hardeman.

The roll was called and the following Senators were present:

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Lock	Wood

Absent—Excused

Fuller

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Senate Resolution 170

Senator Herring offered the following resolution:

Whereas, We are honored to have in the gallery of the Senate, the 6th grade class of Allison Elementary School of Austin, Travis County, accompanied by their teacher, Mrs. Edna Ivash; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and